

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

July 17, 2013

Minutes

Call to Order: The Board Chairman called the meeting to order at 7:34pm.

Roll Call:

Present: Mayor Barbaro, Bill Carter, Ed McKeever, Chuck Nicholson, Eugene Shoultz, David McCreery, Jeanne White, Jay Hughes, Frank Goss (arrived at 7:37pm)

Also present was the Board's Solicitor, Joan Adams.

Absent: Patrick Spring, Rich Tondo

Open Public Meeting Act: read by the Board Secretary

Flag salute was lead by Chairman Nicholson

Announcements:

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.

General

➤ **Resolutions:**

2013-13: Resolution of approval for Preliminary & Final Major Site Plan with variances to construct a church, Catholic Community of the Holy Spirit, on block 7, lot 1 located on NJSH 77 & CR 538 , to applicant, Diocese of Camden.

Mrs. White moved to adopt resolution 2013-13, Seconded by Mr. Shoultz

Board Member Hughes inquired if it would be possible for the newly appointed County Fire Marshall to review the church plans since it is a place of assembly. Mrs. Adams explained that at this juncture, the board is voting on whether or not the resolution prepared adequately reflects what the board's action was at that time. Once the Board grants final approval, they loose jurisdiction to change, add or amend the conditions that were adopted at the time of final approval. It is up to Township Committee and the Township Engineer to ensure that the County Fire Marshall is involved in the inspection process once construction begins. The County Fire Marshall is an outside agency and has independent jurisdiction over the process. Should he require a change to the site design, they must return to the board.

Roll Call:

In favor: Carter, Nicholson, Shoultz

Against: None

Abstain: None

3-0-0`

2013-17: Resolution of denial of a use variance to permit the development of block 170, lot 26, commonly known as 283 Clayton Aura Road as a site to store commercial vehicles and equipment for a landscaping business to applicant, Christopher Chapman.

Mrs. White moved to adopt resolution 2013-17, Seconded by Mr. Nicholson.

Roll Call:

In favor: Carter, Nicholson, White, Hughes

Against: None **Abstain:** None 4-0-0`

2013-18: Resolution of approval of bulk variances for the construction of a new single family home on block 170 lot 19 commonly known as 267 Clayton Aura Road, to applicant, Belinda Florence.

Mrs. White moved to adopt resolution 2013-18, Seconded by Mr. Carter.

Roll Call:

In favor: Barbaro, Carter, McKeever, Nicholson, Shoultz, White, Hughes, Goss

Against: None **Abstain:** None 8-0-0`

➤ **Approval of minutes:**

- April 17, 2013

Mr. Shoultz moved to approve the minutes of April 17, 2013, Seconded by Mrs. White.

With all members in favor, *the motion was carried.*

➤ **Old Business: None**

➤ **New Business:**

- ZB-13-02, Completeness hearing followed by public hearing. Thomas Bailey t/a “The Collision Shop,” “D”: Use Variance & Site Plan Waiver for expansion of Non-conforming auto repair & used car lot in residential zone, block 31, lot 2.01, 893 Aura Road.

Attorney for the applicant requested the hearing be postponed for month in order to resolve an outstanding tax matter; however the Board’s Solicitor, Joan Adams, stated that would not be possible as the application has not yet been deemed “complete”. She will contact the applicant’s attorney.

Mrs. Adams announced to the public that the application of Thomas Bailey t/a “The Collision Shop for a “use” variance and site plan waiver that was scheduled for this evening for completeness and potentially a public hearing will not be held as an essential element, ex: taxes must be paid current, has not been met and therefore the board cannot move forward. The applicant will have to re-notice.

- Subcommittee request

Michael Canuso of 151 Aura Road, Mullica Hill requested the board form a subcommittee to work with him on an upcoming application concerning the Latham Park project.

Mrs. Adams explained that about a year ago, the Canuso Company came in with an application to effect a minor subdivision of the portion of a parcel that was part of the Latham Park project. Canuso Company was under contract to purchase that portion, the board granted that subdivision, and it is her understanding that the Canuso Company is going to complete the construction of that residential section of Latham Park and they are also going to be dedicating the lands to the Aura School and completing some of those preliminary conditions. The Board may recall it is a complicated approval in that it is part of a General Development Plan (GDP), there are many sections to it and there are some very interesting and unusual conditions that have to be met as preliminary precursors to the development of the project. The Canuso Company will be coming in with the hopes to complete their portion of the project which abuts another one of their projects (an adult community that was converted to market rate homes) interconnecting the two. So there will be some design issues that may be better worked out with the Board’s professionals on a subcommittee level along with one or two board members at the subcommittee level rather than working out the details at a public meeting. Many towns use working subcommittees, with the understanding there cannot be a quorum and that nothing that happens at a subcommittee meeting is binding. It is ultimately for the board to decide if they like the proposal/recommendation. Bigger projects with many technical requirements often benefit from subcommittee recommendations as a lot of

the detail information is worked out ahead of time before the board looks at the broader concepts of the design. The board and the public will hear the presentation at the same time, without the unnecessary discussion dialogue, minimizing design waiver requests, so the factual presentation can be more easily digested and makes more sense.

Mr. Canuso added he has meet with the school board and hopes to meet with both subcommittee groups together as well. Mr. Canuso clarified he is purchasing one of the residential phases of Latham Park, the section that has sewer allocation for 169 units.

Mrs. Adams added that all subcommittee meetings are pre-application. Once an application is submitted, there can be no subcommittee meetings. Subcommittee members are not the deciders and a decision cannot be made out of public forum.

An example of some subcommittee issues to be discussed are, dedicated school site, county road relocation relating to the school, recreation on site (recreation fees are now illegal), affordable units on site, professional opinions for both prior & current professionals.

Broad members agreed the subcommittee would be a good idea and the following members volunteered: Jay Hughes, Frank Goss and Mayor Barbaro along with the board's professional Planner and Engineer. Chairman Nicholson will be an alternate. Escrow must be posted in advance for the board's professionals.

Mr. Canuso added, they are doing all the site work, where usually they get the approvals and sell to a builder. The community name is "Aura" and the theme is Peach Country. One of the branding concepts will include a farm stand at the entrance; the landscape in front of the signage is designed like crop rows.

➤ **General Public Portion:**

Mr. Goss moved to open to the general public portion, seconded by Mayor Barbaro. With all members in favor, **the motion was carried.** With no comment from the public, **Mr. Carter moved to close to the public, seconded by Mr. Hughes.** With all members in favor, **the motion was carried.**

➤ **Correspondence: none.**

Mr. McCreery made the board aware of a discrepancy regarding definition of accessory structure, and the definition of loft.

Mr. McCreery recommended the following changes:

- 1) Definition of accessory structure must be corrected to indicate that there can be no 2nd floor.
- 2) Loft definition must be corrected to indicate that any second floor space be no more than 1/3 of the floor area below.

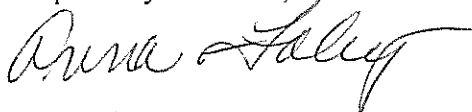
Broad members agreed the corrections made sense and that the recommendation should be forwarded to Township Committee.

➤ **Adjournment:**

Mrs. White moved to adjourn, Seconded by Mr. Hughes. With all members in favor, **the motion was carried.**

Adjournment time: 8:26 pm

Respectfully submitted,



Anna Foley
Board Secretary